

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
March 29, 2016
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Alderman Boulton moved to approve the March 8, 2016 minutes. Alderman Winings seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

AN ORDINANCE TO CONSIDER AN AMENDMENT TO THE NON-UNIFORMED EMPLOYEES' RETIREMENT PLAN

City Manager Owens reported that the ordinance includes two changes to the plan document of the Non-Uniformed Employee's Pension Plan. First, it establishes the Board of Aldermen as the body which is responsible for the plan's Investment Policy. The second change amends the plan to provide for an improved calculation of the optional forms of benefit of the plan. Both changes have been recommended by the Board of Trustees of the plan.

In response to Alderman Garnholz's question, Janet Watson confirmed that the Uniformed Employee's Plan was okay and no change was required.

Alderman Garnholz introduced Bill No. 6545, an ordinance to approve an amendment to Section 125.070, Non-Uniformed Employees' Retirement Fund Plan and Trust to be read for the first time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6545, an Ordinance Amending the City of Clayton Non-Uniformed Employees' Retirement Plan and Trust Pursuant to Section 125.070 of the Code of Ordinances of the City of Clayton, Missouri Relating to Personnel for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6545 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6545, an ordinance to approve an amendment to Section 125.070, Non-Uniformed Employees' Retirement Fund Plan and Trust to be read for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6545, an Ordinance Amending the City of Clayton Non-Uniformed Employees' Retirement Plan and Trust Pursuant to Section 125.070 of the Code of Ordinances of the City of Clayton, Missouri Relating to Personnel for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6419 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING AND REVISING THE INVESTMENT POLICY STATEMENT FOR THE NON-UNIFORMED EMPLOYEE'S PENSION PLAN

City Manager Owens explained that this is a proposed change to the plan document for the Non-Uniformed Employee's Pension Plan. One of the changes was to assign the responsibility of approving the plan's Investment Policy to the Board of Aldermen. We have taken the current Investment Policy, previously approved by the Trustees, and added some minor clean-up of wording to incorporate this change. Most of this policy is similar to the Uniformed Plan Investment Policy as approved by the Board of Aldermen in 2014.

Alderman Garnholz moved to approve Resolution No. 16-05, the revised Non-Uniformed Employees Retirement Fund Investment Policy Statement. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER ENDORSING BRING CONSERVATION HOME PROGRAM

City Manager Owens reported that after a discussion at the December Sustainability Committee meeting, the Committee Chairman Pamela Fournier, Alderman Lintz, and Public Works Director Houdeshell met with Mitch Leachman, Executive Director of the St. Louis Audubon Society, to discuss their program "*Bring Conservation Home*". Mr. Leachman explained the program and followed up with a letter to the City outlining the *Bring Conservation Home* municipal partnership.

The Sustainability Committee discussed the program at its February meeting and desires for the City to endorse the partnership which will allow homeowners to avail themselves of 50% off the regular program fee and advice to landowners through "house calls" made by Habitat Advisors. House Calls are made by Habitat Advisors who come by appointment to your home after the landowner submits an online application. The program is not restricted to residential properties; however, the fee schedule may vary for larger institutional/commercial properties.

In response to Mayor Sanger's question, Dale Houdeshell confirmed that the program price will be \$25 (50% off of the cost of \$50).

In response to Alderman Boulton's question, Dale Houdeshell stated that if approved the program information will be provided on the City's website and in the newsletter.

In response to Alderman Winings' question, Dale Houdeshell stated that he would follow-up with the Audubon Society with regards to tracking residents' use and maintenance (upkeep).

Alderman Lintz commented that this is a great opportunity to add to the City's support of sustainable practices.

Pam Fournier, Chairman, Sustainability Committee, 7633 Maryland Avenue, had invited Mitch Leachman of the Audubon Society to give a presentation of the program. She stated that many other communities are already active in the program. A homeowner will request a master gardener to come and advise them on the plant materials that they currently have (i.e. bush honeysuckle, etc.) and advise them on what to replace those plants with that may be more sustainable to the habit. For \$25 a two-person team will visit the property and work with the homeowner and will prepare a written report of their recommendations.

Alderman Garnholz moved to approve Resolution No. 16-06, to endorse the St. Louis Audubon Society's *Bring Conservation Home* Municipal Partnership program. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

UPDATE ON THE STATUS OF ONGOING PROJECTS (CRAIGSLIST)

City Manager Owens provided an update the Board on significant projects that staff plans to complete in the next twelve months. The list of projects currently stands at 120+ items and is organized by the staff member responsible for implementation. The projects included are in progress, completed projects are removed from the list. The list ranges from public-facing projects such as website enhancements and sidewalk/roadway improvements to behind-the-scenes initiatives including strategic planning and software upgrades.

In response to the Board's questions:

Mulch Pile – The mulch pile has been cleared and Public Works has dismantled the mulch bin in Shaw Park and constructed a new bin on the school property off Gay Avenue. Information on mulch deliveries from the City's vendor is available on the City's website and in the April newsletter.

Flag Pole – Due to the total height of the pole (155 feet), Public Works staff is in discussion to have someone build a ladder to reach the rope in order to get equipment to the area for the repairs.

Pay by Phone App for Parking (Whoosh App) – Staff is currently working on a replacement of two software systems required. Staff toured St. Louis City's facilities on how the system works.

Alderman Berger expressed his concerns that with a total of six software changes in the current plans he is not sure that the city has the staff capability to implement those changes this fiscal year or by next fiscal year. He feels that this particular project (*Whoosh* App) is a year behind schedule and feels that staff may need help in implementing suggesting that the Board and staff discuss this issue soon.

Tree Preservation – Public meetings/workshops have been conducted, next steps is to present to the Board. Alderman Garnholz suggested that a presentation and overview/update is provided to the Board prior to a request for approval.

Oak Knoll Renovations – The renovations are almost complete and staff anticipates opening on June 1st.

Heritage Center – Staff is anticipating completion no later than May 1st with a dedication scheduled for June 1st.

Fire Engine – A new fire engine will replace the pumper truck, a proposed idea for the old pumper truck is to retain and share with the City of Maplewood to be stored at Maplewood and both cities will share the maintenance schedule.

Wayfinding – Specification and plans have been received, staff is looking to bid the signage out with Kiku Obata's assistance in the bidding process and acquisition estimated to come in under budget.

Parking Study – Staff is looking to bid out; utilizing an internationally experienced firm.

Parklet – The parklet will soon be located on Meramec in front of *The Avenue* Restaurant.

City Software – Website and Active Citizen Request -

- The new website will go live in mid-September
- The ACR staff training is scheduled for May and will include a “soft-launch”
- The financial software system RFP is near completion
- The Permits Plus software will involve a lot of work to transition over to get it up and running
- The Reservations' Software is currently under review and they are scheduling live demonstrations, anticipating recommendation to the Board in May and the implementation process will be at least a year.

Other

Alderman Garnholz reported on the following:

Congratulations

- To City Manager Owens in regard to his son acting in a national television show.
- To the Police Department for: 1) capturing suspects in a carjacking incident; 2) assisting Richmond Heights in a shooting incident at/near the Galleria Mall; and 3) the appointment of Lt. Jack Abell as a Deputy Commander of the Major Case Squad of Greater St. Louis.

St. Louis County Municipal League

- The League is supporting the MSD Ballot initiative – 1) Proposition Y: Wastewater Bond Authorization; and 2) Proposition S: Stormwater Equalization.
- MSD representatives confirmed that Wydown Forest is on schedule.
- St. Louis County Councilmember Harter introduced a resolution to equip the St. Louis County Police Department with the counteractive drug, *Narcan*, to treat heroin overdoses. City Manager Owens noted that Clayton's staff provided the training to St. Louis County staff.
- The discussion of legislation pending in Jefferson City regarding TIFs, taking power away entirely from municipalities and turning it over to a county TIF Commission.

Alderman Winings reported on the following:

Plan Commission

- Met yesterday, agenda items included an addition in the DeMun area and construction of two new houses in Clayton Gardens. Interesting was that one of the houses was denied architectural approval based on the height relative to the height of both houses located next door, although it was numerically objectively within the City's requirements for height limitations. The Commission also approved a motion to allow the applicant to waive the one year waiting period to address questions and concerns raised by the Commission.

Alderman Boulton reported on the following:

Public Art Master Plan

- A meeting was held today to address the Public Art Master Plan. Staff, the Public Arts Advisory Committee chair, Jake Reby, and a CCF member were in attendance.

Alderman Berger reported on the following:

- Expressed thanks to the *Ladue News* for naming St. Louis Art Fair in Clayton a winner.
- Birthday greetings were extended to Mitch, reporter for the *Ladue News*.

Alderman Berkowitz reported on the following:

Clayton Century Foundation

- The CCF Major Gifts Committee met and announced that they have received a \$5,000 donation from Opus for the Taylor Park project. The Executive Committee of the CCF voted to donate \$5,000 of their unrestricted funds to the Taylor Park Project as well.
- The CCF Executive Committee also discussed a need to extend the projects list.

Board of Education

- A debate of three candidates was held last night by the Board of Education, a comment regarding Maryland School was reflected as a poor relationship between the Board of Aldermen and the Board of Education. All three candidates responded with the same that stakeholders of all parts of the City should all get together and figure out what to do. Mayor Sanger commented that he gives credit to Mr. Bernstein that he felt the relationship between the two entities was pretty good and mentioned that they have zero relationship with Richmond Heights.

City Attorney O'Keefe reported on the following:

Senate Bill 5 Legislation

- Summarized that the Cole County Circuit Court issued a judgement and permanent injunction against the enforcement of several provisions Senate Bill 5 on the grounds that they were first special legislation in violation of the Missouri Constitution; on the grounds that they were limited in their application when the law could have been made a general law; and also that portions of the bill were unfunded mandates in violation of the Hancock Amendment under the Missouri Constitution. The Hancock Amendment issues goes to the portion of the Senate Bill 5 which established performance standards, or minimum, service requirements for cities in St. Louis County and allowed three years to reach it, or six with respect to police department certification – thrown out as a unfunded mandate as well as a special law. The portion of the Statute which established a 12.5% of general revenue cap on fine and costs derived from municipal court proceedings for minor traffic violations was also thrown out as being a violation of the special legislation prohibition of the Missouri Constitution.

The Missouri Attorney General has announced that he will appeal directly to the Missouri Supreme Court. He feels that the trial court's judgement was well taken on both issues. He commented that the City of Clayton has long since demonstrated its outstanding service levels and its satisfaction of any reasonable requirements which might be expected of municipal governments and does not feel that Clayton has any concern there. Court revenues are not placing us in a "dicey" position with respect to the revenue caps that have been established, but there is a principle in terms of the State's role with respect to the operation of local government and hopefully this court decision will influence the discussion of public policy along those lines.

City Manager Owens reminded the Board that we are under five percent including all of our parking revenue, and weren't coming close to the "threshold". We were one in the first in the State to maintain a CALEA certification at the highest possible level, maintaining that for many years. The director impact for our citizens and our department and resources is not high.

Mayor Sanger reminded everyone to vote next week.

With regard to pending legislation, City Attorney O'Keefe added that if a city fails to pass either a use-tax or the vehicle sales tax continuation they would lose the authority to tax motor vehicle sales at all. The Committee hearing on the bill was cancelled, but the bill was submitted by the majority leader of the house.

Alderman Boulton expressed congratulations to Danny Speck who was in the audience. Mr. Speck is a recent graduate of the Clayton Citizen's Police Academy and was recently featured in an article in the *Artists First* newsletter/magazine.

There being no further business the meeting was adjourned at 7:26 p.m.

Mayor

ATTEST:

City Clerk